

NOTICES OF PROPOSED SUMMARY RULEMAKING

The Administrative Procedure Act allows an agency to use the summary rulemaking procedure instead of the regular rulemaking procedure for repeals of rules made obsolete by repeal or supersession of an agency's statutory authority or the adoption, amendment, or repeal of rules that repeat verbatim existing statutory authority granted to the agency. An agency initiating summary rulemaking shall file the proposed summary rulemaking with the Governor's Regulatory Review Council and the Secretary of State's Office for publication in the next available issue of the *Register*. The proposed summary rule takes interim effect on the date of publication in the *Register*.

NOTICE OF PROPOSED SUMMARY RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 5. LAND DEPARTMENT

PREAMBLE

1. **Sections Affected**
Article 12
R12-5-1201
- Rulemaking Action**
Repeal
Repeal
2. **The specific authority for the rulemaking including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. § 37-132(A)(1)
Implementing statute: A.R.S. § 37-108
3. **The interim effective date of the proposed summary rules:**
July 22, 1996
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Richard B. Oxford, Director
Operations Division

or

Rebecca Matus, Administrative Secretary
Operations Division

Address: Land Department
1616 West Adams
Phoenix, Arizona 85007

Telephone: (602) 542-4602
Fax: (602) 542-5223
5. **An explanation of the rule, including the agency's reasons for initiating the rule:**
A.R.S. § 41-1027(A)(1) authorizes use of summary rulemaking when an agency's rules become obsolete by supersession of the agency's statutory authority. In 1996, the Arizona Legislature enacted Senate Bill 1145 which amended A.R.S. § 37-108 by establishing the administrative fees to be charged by the Land Department for applications to lease, purchase, or use of State Trust lands as well as for other administrative actions pending before the Department. Prior to the statutory amendment, the Department could charge fees "that do not exceed" certain amounts. The statutory amendment effective July 22, 1996, removed the discretionary fee amount and established a set fee for each type of transaction.
6. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable.
7. **The preliminary summary of the economic, small business, and consumer impact:**
Not applicable pursuant to A.R.S. § 41-1055(D)(2).
8. **The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**
Not applicable.

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9. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

No oral proceedings or hearings are scheduled. A person may submit written comments or request that an oral proceeding be held on the repeal of this rule by submitting the comments or a written request for hearing no later than 5 p.m., September 30, 1996, to:

Name: Richard B. Oxford, Director
Operations Division

or

Rebecca Matus, Administrative Secretary
Operations Division

Address: Land Department
1616 West Adams
Phoenix, Arizona 85007

Telephone: (602) 542-4602

Fax: (602) 542-5223

10. An explanation of why summary proceedings are justified.

A.R.S. § 41-1027(A)(1) authorizes use of summary rulemaking when an agency's rules become obsolete by supersession of the agency's statutory authority. In 1996, the Arizona Legislature enacted Senate Bill 1145 which amended A.R.S. § 37-108 by establishing the administrative fees to be charged by the Land Department for applications to lease, purchase, or use of State Trust lands as well as for other administrative actions pending before the Department. Prior to the statutory amendment, the Department could charge fees "that do not exceed" certain amounts. The statutory amendment effective July 22, 1996, removed the discretionary fee amount and established a set fee for each type of transaction.

11. Any other matters prescribed by statute that are applicable to the specific agency or any specific rule or class of rules:

None.

12. Incorporations by reference and their location in the rules:

None.

13. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES

CHAPTER 5. LAND DEPARTMENT

ARTICLE 12. FEES

~~R12-5-1201. Administrative Fees~~

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The State Land Department shall charge the following fees:

1. Filing bonds, \$1.00.
2. Filing application for reimbursement, \$2.00.
3. Filing commercial application to cut timber or wood or use any product of state lands, \$50.00. Incidental use permits for the removal of natural products, \$2.00.
4. Issuing commercial permit to contract to cut timber or wood or use any product of state lands, \$50.00.
5. Filing and approving bond, \$2.00.
6. Selling and administrative expenses:
 - a. Three per cent of the purchase price for all land sold up to and including \$1 million and two percent of the remaining balance for the total purchase price over \$1 million.
 - b. Two per cent of the first \$250,000.00 of the appraised value for all improvements sold or the actual cost of the appraisal fee of the improvements sold, whichever is greater.
7. Filing application for agricultural lease, \$50.00.
8. Filing application for commercial lease for business purposes, \$100.00.
9. Filing application for commercial lease for all other non-business purposes, \$50.00.

10. Filing original application for grazing land, \$50.00 per section of land.
11. Filing renewal application for grazing land, \$50.00 per lease, which includes all sections of land under such lease.
12. Filing application for homesite lease, \$75.00.
13. Filing application for mineral materials lease, \$50.00.
14. Filing application for prospecting permit, \$50.00.
15. Filing application for a mineral lease, \$50.00.
16. Filing application for an oil and gas lease, \$30.00.
17. Filing application for a geothermal lease, \$25.00.
18. Filing application for a lease for recreational purposes, \$40.00.
19. Filing application for a rights-of-way permit over lands held by existing agricultural, grazing, and homesite lessees who are primarily engaged in ranching or agriculture, \$75.00.
20. Filing application for a rights-of-way permit when applicant is not a holder of an existing agricultural, grazing, or homesite lease and not engaged primarily in agriculture or ranching, \$75.00, plus a \$100.00 appraisal fee, if required, and plus any administrative and inspection fees necessary to protect the environment and the trust.
21. Filing application for a perpetual rights-of-way permit, \$50.00, plus a \$175.00 appraisal fee, if required, and plus any administrative and inspection fees necessary to protect the environment and the trust.
22. Filing application for a use permit, \$75.00.
23. Filing application for an assignment of lease, \$75.00.

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- 24. Filing application for an assignment of an oil and gas lease, \$20.00.
- 25. Filing application to place improvement, \$15.00.
- 26. Filing application for reclassification, \$70.00.
- 27. Filing application for affidavit for loss of lease, \$10.00.
- 28. Filing application for purchase of state land, \$100.00.
- 29. Filing application for exchange of land, \$500.00, plus a \$200.00 appraisal fee, if required. If the State Land Commissioner initiates classification of land suitable for exchange, the State Land Commissioner may waive or reduce the appropriate exchange application fee. The Commissioner may initiate classification of lands suitable for exchange when it is determined that such action is in

- the best interests of the Trust.
- 30. Selection of public lands, \$10.00.
- 31. Issuance of patent, \$40.00.
- 32. Issuance of certificate of purchase, \$10.00.
- 33. Transfer of certificate of purchase, \$10.00.
- 34. For maps, \$1.00 for the first sheet and 50¢ for each additional sheet.
- 35. For data processing outputs, \$10.00 for the first sheet and 25¢ for each additional sheet.
- 36. For all other copies of records not specified, not more than the average commercial rate per copy.
- 37. For filings of mortgages, deeds of trusts, subleases and other similar documents not specified, \$50.00.